

REMARKS

Applicants amended claims 1 and 26, cancelled claims 19-22, and added new claims 53-80. Claims 1-12, 14-18 and 23-80 are presented for examination.

Initially, Applicants note that initialed 1449 were not received in connection with Information Disclosure Statements mailed on September 14, 2004, October 26, 2004, October 28, 2004, February 1, 2005, March 10, 2005 and April 14, 2005. Yet, the USPTO PAIR website clearly shows that these Information Disclosure Statements were received by the USPTO. This is now the second time that this is being brought to the Examiner's attention. Applicants last notification was completely ignore. As a result, Applicants are resubmitting the Information Disclosure Statements and cited references with the understanding that these will be considered. If for some reason, the Examiner views the Information Disclosure Statements as being non-compliant, Applicants believe an explicit indication of this fact is required under USPTO policy and practice.

The Examiner rejected claims 1-11, 14, 17, 19, 21, 23, 25-28, 32-37, 39, 40, 42-52 under 35 U.S.C. §103(a) as being unpatentable over Meissner in view of Nakamura, alone, or further in view of Griffin or Chapin.¹ But, there is no suggestion to combine these references to provide the subject matter covered by these claims, and, even if the references were combined in the manner suggested by the Examiner, the result would not be the subject matter covered by these claims, at least because Nakamura discloses a device that includes a lead 9 in the form of a mesh and a transparent conductor layer 12 on the mesh. (Nakamura, col. 29, lines 49-51 and Fig. 2B.) Nowhere does Nakamura disclose or suggest that his mesh can be used without his transparent conductor layer. To the contrary, Nakamura alleges that his lead somehow decreases the resistance of his transparent conductor. (*Id.*, col. 6, lines 22-23). Thus, even if one skilled in the art would have somehow been motivated to try to modify Meissner using the disclosure of Nakamura, the result would not have been a mesh electrode in contact with a photoactive layer (required by independent claim 1 and its dependent claims) or a mesh electrode in contact with a hole carrier layer (required by independent claim 26 and its dependent claims). Neither Griffin

¹ Applicants cancelled claims 19 and 21, so the rejection of these claims should be withdrawn.

nor Chapin cure this deficiency. Hence, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 1, 12, 26 and 38 under 35 U.S.C. §103(a) as being unpatentable over Meissner in view of Scher. But, there is no suggestion to combine these references. Meissner states:

The object of the invention is to devise a generic component which has an efficiency as high as possible for sending and/or receiving electromagnetic radiation, especially light.

In particular, a solar cell with efficiency as high as possible will be created by the invention. (Meissner, col. 1, lines 25-30.)

In contrast, Scher discloses his electrode with openings “would lose some of the exposed surface area of the active layer.” (Scher, col. 32, lines 32-38.) Thus, after reading Scher, one skilled in the art would understand that replacing one of Meissner’s contact layers with Scher’s electrode with openings would be contrary to Meissner’s stated object of having the highest efficiency possible for receiving light. Moreover, even if Meissner and Scher were combined, the result would not be the subject matter covered by claims 1, 12, 26 and 38. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 1-11, 14-16, 19-25 and 43-47 under 35 U.S.C. §103(a) as being unpatentable over Chirvase in view of Nakamura, alone, or further in view of Griffin, Scher or Chapin.² However, there is no suggestion to modify Chirvase in the manner suggested by the Examiner. Rather, Chirvase is interested in studying the temperature dependent characteristics of P3HT in a solar cell. (Chirvase, Abstract.) As would be understood by one skilled in the art, Chirvase was not trying to build a commercially viable solar cell. Instead, he was interested in building a cell that would be effective for testing the temperature dependent properties of P3HT. Thus, after reading Chirvase, one skilled in the art simply would not have been motivated to change Chirvase’s electrode in the manner suggested by the Examiner, and certainly would not have had the Examiner’s stated motivation for doing so. Moreover, even

² Applicants cancelled claims 19-22, so the rejection of these claims should be withdrawn.

Chirvase were somehow combined with the noted references in the manner suggested by the Examiner, the result would not be the subject matter covered by claims 1-11, 14-16, 23-25 and 43-47. Applicants therefore request reconsideration and withdrawal of this rejection.

The Examiner rejected claims 1, 12, 17, 18, 26-37, 39-42, 48-51 under 35 U.S.C. §103(a) as being unpatentable over Chirvase in view of Scher, alone, or further in view of Nakamura or Chapin. But, as explained above, one skilled in the art would not have been motivated to modify Chirvase's electrode. Further, even Chirvase were combined with the noted references in the manner suggested by the Examiner, the result would not be the subject matter covered by claims 1, 12, 17, 18, 26-37, 39-42, 48-51. Thus, Applicants request reconsideration and withdrawal of this rejection.

The Examiner provisionally rejected claims 1-12 and 14-52 under the judicially created doctrine of obviousness-type double patenting in view claims 1-39 in U.S. Patent No. 6,878,871. Applicants request reconsideration and withdrawal of this amendment in view of the amendments to the claims.

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Respectfully submitted,

Date: October 29, 2007

/Sean P. Daley/

Sean P. Daley
Reg. No. 40,978

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906